

City of Lebanon Zoning Ordinance*

Accessory Dwelling Unit (ADU) Regulations

*last amended March 10, 2020

SECTION 610

ACCESSORY DWELLING UNIT (ADU)

Accessory dwelling units are intended as an option for homeowners to offer separate and independent living space for their extended families, or to offer small dwelling units as rentals to offset the expense of maintaining the dwelling. The appearance and character of the existing or proposed new dwelling shall remain single family in nature. An **accessory dwelling unit** is only allowed on lots with a detached one-family dwelling, and only one such accessory unit is permitted per lot. As an alternative, if allowed in the respective Zoning District, a property owner can seek a conversion of the unit to either a standard two-family or a multi-family dwelling.

An **accessory dwelling unit** shall comply with the following criteria:

- A. The property owner must occupy either the primary residence or the ADU as their permanent residence. A temporary leave of absence by the property owner is allowed, provided the owner-occupied unit is not rented or occupied by anyone other than the property owner during the temporary leave or absence.

Prior to the issuance of a zoning/building permit, the owner shall record in the Grafton County Registry of Deeds an acknowledgment of the above owner-occupancy requirement, in a form satisfactory to the Zoning Administrator, in order to put prospective buyers on notice of the prohibition against renting out both units.

- B. The ADU must be located in the same building as the primary residence unless the lot meets or exceeds the minimum required lot size for the respective zoning district. If the lot meets or exceeds the required minimum lot size, the ADU may be located in a separate detached structure such as a garage or barn, provided the existing structure conforms with required yard setbacks for the respective zoning district. An ADU may also be in a new structure.
- C. If the ADU is located within or by an addition to the existing single family dwelling, an interior door shall be provided between the principal dwelling unit and the ADU.
- D. If the ADU is located within or by an addition to the existing single family dwelling, the ADU must be connected to the same utilities (except telephone and television) as the existing dwelling. If the ADU is located in a detached structure, then connections to municipal utilities (i.e. municipal water/sewer) must be separate.

If applicable, the owner must seek a permit from the State of NH Dept. of Environmental Services Subsurface Systems Bureau, in accordance with NH RSA 485-A:38, for any increased load on an existing sewage disposal system as a result of the addition of an ADU to the lot.

- E. If the primary residence is 1,500 square feet or less, the ADU may be no greater

than 50% of the gross living area of the primary residence. If the primary unit is greater than 1,500 square feet, but less than 3,000 square feet, the ADU shall not exceed 750 square feet. If the primary unit is greater than 3,000 square feet, the ADU can exceed 750 square feet provided the ADU is no greater than 25% of the gross living area of the primary unit.

- F. A detached ADU, if permitted under paragraph B above, shall maintain a proportional mass, size, and height to ensure it is not taller than the primary residence on the lot. Detached ADU height shall not exceed the height of the primary residence as measured to the eave line, with a maximum eave height of ten (10) feet for single-story and sixteen (16) feet for two-story detached ADUs.
- G. Any necessary additional entrances or exits to the primary residence, to serve the ADU, shall be located to the side or rear of the building. All new or altered structures, intended to be used as an ADU, must be located behind the building line of the existing primary residence except when the Zoning Board finds that the placement of the ADU on the lot will not adversely affect the character of the neighborhood; traffic on roads and highways; safety of pedestrians, and will not create a hazard or nuisance to abutting property owners.
- H. In addition to the two (2) on-site parking spaces required for the primary residence, one (1) additional on-site parking space for the ADU must be provided, and no more than two (2) ADU on-site spaces are allowed. The additional parking space shall comply with the parking standards contained in the Zoning Ordinance and the City of Lebanon's Driveway Regulations.
- I. A zoning/building permit application for the ADU must be approved and issued prior to its construction, and a certificate of occupancy, specifying that the dwelling unit is an ADU, must be obtained prior to its occupancy. The ADU constructed within a primary residence shall have an interconnected fire alarm system. All ADU's shall meet all life safety and building codes.

APPENDIX A - DEFINITIONS

ACCESSORY DWELLING UNIT (ADU): A separate complete housekeeping unit that is either contained within or is attached to a one-family dwelling, or within a detached ***accessory building*** on the same lot, for which the title is inseparable from the primary dwelling. (See Section 610)